

## **ARTICLE 1**

### **THE CONSTITUTION OF THE ORDINANCE**

#### **PART 1      1-100   TITLE**

The regulations contained in this and the following Articles constitute Appendix D of the Code of County of Fauquier, Virginia, and shall be designated "The Zoning Ordinance of Fauquier County, Virginia", and may be so cited.

#### **PART 2      1-200   PURPOSE AND INTENT**

The Zoning Ordinance of Fauquier County, Virginia, is enacted to promote the health, safety and general welfare of the public; and to implement the adopted Comprehensive Plan for the orderly and controlled development of the County. To accomplish these ends, the Zoning Ordinance is designed to:

1.      create and maintain conditions under which people and their environment can exist in a productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations;
2.      facilitate the creation of a convenient, attractive and harmonious community;
3.      provide for County growth that is consonant with the efficient and economic use of public funds and environmental quality;
4.      recognize the needs of agriculture, housing, tourism, industry and business in the County's future growth;
5.      promote communities that will be developed with adequate highway, utility, health, education and recreational facilities;
6.      concentrate and guide growth in and around designated growth areas, identified in the Comprehensive Plan as Service Districts;
7.      provide for residential areas with healthy surroundings for family life;

8. protect against the destruction of or encroachment upon historic areas;
9. encourage economic development compatible with a healthy environment which will provide desirable employment and improve the tax base;
10. promote the conservation of natural resources;
11. encourage the preservation open spaces, stream valleys, steep slopes, farms, prime agricultural soils areas, lands of natural beauty, dense forestation, scenic areas, water supplies and other similar areas;
12. protect against the following: overcrowding of land; undue intensity of noise; air and water pollution; undue density of population in relation to available community facilities; obstruction of light and air; danger and congestion in travel and transportation; and loss of life, health or property from fire, flood, panic or other dangers;
13. provide for the development of a full range of dwelling types, including affordable dwelling units, to meet housing needs;
14. encourage innovative and desirable approaches to designated development; and promote the distinctive sense of urban, suburban and rural places as well as the sense of community within the County;
15. protect the agricultural areas, recognizing their importance to the economic base, their potential for land use conflicts, and the existence of Agricultural and Forestal Districts created pursuant to the Code of Virginia; taking into account requirements contained therein;
16. accomplish all other objectives and exercise all other powers as contained in the Code of Virginia; taking into account requirements contained therein.

### **PART 3      1-300 SEVERABILITY**

The several provisions of this Ordinance shall be separable in accordance with the following:

1.      Should the courts decide that any section or provision of this Ordinance is unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held to be unconstitutional or invalid;
2.      Should the courts adjudge invalid the application of any provision of this Ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure.

### **PART 4      1-400 CONFLICTING ORDINANCES**

Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or other County Ordinance or regulation, the provision of this Ordinance shall govern. Whenever any provision of any State or Federal statute or other County Ordinance or regulation imposes a greater requirement or a higher standard than is required by this Ordinance, the provision of such State or Federal statute or other County Ordinance or regulations shall govern.

### **PART 5      1-500 MINIMUM REQUIREMENTS**

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not the intent of this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use and dimensions of buildings or premises, or requires larger open space than is required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall govern, except where expressly qualified in the Articles that follow.

### **PART 6      1-600 EFFECTIVE DATE**

The Zoning Ordinance of Fauquier County, Virginia, as herein presented, was adopted on \_\_\_\_\_, and became effective at 12:01 A.M. on \_\_\_\_\_, at which time the Zoning Ordinance of the County of Fauquier, Virginia, adopted May 21, 1981, as amended, was repealed.

**PART 7      1-700   COPY ON FILE**

A certified copy of the Zoning Ordinance of Fauquier County, Virginia, as may be amended from time to time, shall be filed in the Office of the Zoning Administrator of Fauquier County.